In the Supreme Court of the United States

OCTOBER TERM, 1968

No. 880

EMMANUAL BLAZ MRKONJIC-RUZIC, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

SUPPLEMENTAL MEMORANDUM FOR THE UNITED STATES

This memorandum is submitted to bring to the Court's attention information relating to electronic surveillance involving petitioner which has been uncovered since the brief in opposition in this case was filed.

Although petitioner was not at any time the subject of electronic surveillance directed against him, he did participate in one conversation that was overheard during the course of a surveillance conducted for the gathering of foreign intelligence information. The overheard conversation had absolutely no relation to the crime of which petitioner was convicted.

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Petitioner was convicted under 18 U.S.C. 1001 of making false statements to the Immigration and Naturalization Service. The false statements were contained in a petition for naturalization which petitioner signed Emmanuel Blaz Mrkonjic-Ruzic and filed with INS on June 17, 1965.[1] The overhearing of petitioner's conversation occurred in October 1960. The total report of the conversation consisted of a one and a half line entry on the log of the surveillance.

We have normally not sought to burden this Court with the task of reviewing the logs of overheard conversations. In this case, however, we believe that it would conserve judicial time if this Court were to review the one and a half line entry involved in this case to satisfy itself that the overheard conversation was not relevant to the instant prosecution. In this way the delay attendant upon a remand to the district court could be avoided. We have, therefore, submitted to the Clerk of this Court a sealed envelope containing the log reflecting the conversation of petitioner that was overheard.

Respectfully submitted.

ERWIN N. GRISWOLD,
Solicitor General.

MARCH 1969.

[1] This document was introduced in evidence at the trial (GX 41) and is part of the record before this Court.

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